

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: ALLERGAN BIOCELL
TEXTURED BREAST IMPLANT
PRODUCTS LIABILITY LITIGATION

Plaintiff: Jessie Kang, formerly known as
Miyeon Kang

Case No.:

MDL NO. 2921

Honorable Brian R. Martinotti
District Court Judge

Honorable Leda D. Wettre
Magistrate Judge

MASTER SHORT-FORM
COMPLAINT FOR PERSONAL
INJURIES, DAMAGES AND
DEMAND FOR JURY TRIAL

1. Plaintiff(s) Jessie Kang, hereby state and incorporate by reference all of the allegations contained in Plaintiffs' Master Long Form Complaint for Personal Injuries, Damages and Demand For Jury Trial ("Master Complaint") as permitted by Case Management Order No. 17 for cases filed directly into this district.
2. In addition to the below indicated portions of the Master Complaint adopted by the Plaintiff(s) and incorporated by reference herein, Plaintiff(s) hereby allege(s) as follows:

IDENTIFICATION OF PLAINTIFFS AND RELATED INTERESTED PARTIES

3. Name and current residence of individual who is alleged to have suffered personal injuries and related damages due to implantation of one or more Biocell Textured Implant medical devices ("Biocell"):

Jessie Kang
San Diego, California

4. Consortium Claim(s): Name and current residence of individual(s) alleging damages for loss of consortium:
Not Applicable

5. If a survival and/or wrongful death claim is asserted:

Name and residence of Decedent when she suffered Biocell-related injuries and/or death:

Not Applicable

Name and current residence of the individual(s) bringing the claims on behalf of the decedent's estate, and status (i.e., personal representative, administrator, next of kin, successor in interest, etc.):

Not Applicable

VENUE

6. Plaintiff[s] allege that venue for remand and trial is proper in the following federal judicial district:

United States District Court for the Southern District of California

DEVICE IDENTIFICATION

7. [Plaintiff/Decedent] used the following Biocell device[s], which Plaintiff contends caused her injury(ies). Check all that apply and provide all dates of implant and explant:

<input type="checkbox"/> NATRELLE Silicone-filled Breast Implants <div style="margin-left: 20px;"> <input type="checkbox"/> Style 110 <input type="checkbox"/> Style 115 <input type="checkbox"/> Style 120 </div> <p>Date[s] of Implant:</p> <p>Date[s] of Explant (if any):</p>	<input type="checkbox"/> NATRELLE Saline-Filled Breast Implants <div style="margin-left: 20px;"> <input type="checkbox"/> Style 163 <input type="checkbox"/> Style 168 <input type="checkbox"/> Style 363 <input type="checkbox"/> Style 468 </div> <p>Date[s] of Implant:</p> <p>Date[s] of Explant (if any):</p>
<input type="checkbox"/> NATRELLE 410 Highly Cohesive Anatomically Shaped Silicone-Filled Breast Implants <div style="margin-left: 20px;"> <input type="checkbox"/> Style LL </div>	<input type="checkbox"/> NATRELLE INSPIRA Silicone-Filled Breast Implants <div style="margin-left: 20px;"> <input type="checkbox"/> Style TRL <input type="checkbox"/> Style TRLP <input type="checkbox"/> Style TRM </div>

<input type="checkbox"/> Style LM <input type="checkbox"/> Style LF <input type="checkbox"/> Style LX <input type="checkbox"/> Style ML <input type="checkbox"/> Style MM <input type="checkbox"/> Style MF <input type="checkbox"/> Style MX <input type="checkbox"/> Style FL <input type="checkbox"/> Style FM <input type="checkbox"/> Style FF <input type="checkbox"/> Style FX Date[s] of Implant: Date[s] of Explant (if any):	<input type="checkbox"/> Style TRF <input type="checkbox"/> Style TRX <input type="checkbox"/> Style TSL <input type="checkbox"/> Style TSLP <input type="checkbox"/> Style TSM <input type="checkbox"/> Style TSF <input type="checkbox"/> Style TSX <input type="checkbox"/> Style TCL <input type="checkbox"/> Style TCLP <input type="checkbox"/> Style TCM <input type="checkbox"/> Style TCF <input type="checkbox"/> Style TCX Date[s] of Implant: Date[s] of Explant (if any):
<input type="checkbox"/> McGhan BioDIMENSIONAL® Silicone-Filled BIOCELL® Textured Breast Implants, Style 153 Date[s] of Implant: Date[s] of Explant (if any):	<input type="checkbox"/> NATRELLE Dual-Gel Breast Implants <input type="checkbox"/> Style LX <input type="checkbox"/> Style MX <input type="checkbox"/> Style FX Date[s] of Implant: Date[s] of Explant (if any):
<input type="checkbox"/> NATRELLE Komuro Breast Implants <input type="checkbox"/> Style KML <input type="checkbox"/> Style KMM <input type="checkbox"/> Style KLL <input type="checkbox"/> Style RLM Date[s] of Implant: Date[s] of Explant (if any):	<input type="checkbox"/> NATRELLE Ritz Princess Breast Implants <input type="checkbox"/> Style RML <input type="checkbox"/> Style RMM <input type="checkbox"/> Style RFL <input type="checkbox"/> Style RFM Date[s] of Implant: Date[s] of Explant (if any):
<input type="checkbox"/> NATRELLE 150 Full Height and Short Height Double Lumen Implants Date[s] of Implant: Date[s] of Explant (if any):	<input type="checkbox"/> NATRELLE 133 Plus Tissue Expander Date[s] of Implant: Date[s] of Explant (if any):

<input type="checkbox"/> NATRELLE 133 Tissue Expander with Suture Tabs Date[s] of Implant: Date[s] of Explant (if any):	<input checked="" type="checkbox"/> OTHER (Please Describe): NATRELLE 410 Soft Touch Implants, Styles MF and MM Date[s] of Implant: 10/13/2015 Date[s] of Explant (if any): N/A
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PLAINTIFF'S BIOCELL-RELATED INJURIES

8. Plaintiff[s] allege that one or more Biocell devices caused personal injuries and damages including but not limited to the following:

Breast cyst, significantly increased risk of BIA-ALCL, mental anguish and fear of developing BIA-ALCL, accumulation of foreign and adulterated silicone particles in their bodies, including the resulting inflammation, cellular damage, and subcellular damage, past and future medical expenses, and other physical and emotional manifestations that are severe and ongoing.

9. Approximate date of Biocell-device related injury:

Plaintiff is uncertain of the precise date when they started having damage or injury from the implants, but harmful exposure occurred since implantation although Plaintiff was unaware of the same. Plaintiff learned of the product recall due to the increased risk of BIA-ALCL sometime on or after July of 2019.

10. Has Plaintiff or Plaintiff's decedent ever been diagnosed with BIA-ALCL:

- ☐ Yes
☒ No

a. If Yes, date of diagnosis: _____

CAUSES OF ACTION

11. The following claims asserted in the *Master Complaint* are herein adopted by Plaintiff(s):

- ☒ Count I: Strict Liability – Manufacturing Defect
☒ Count II: Negligent Manufacturing
☒ Count III: General Negligence

- ☒ Count IV: Strict Liability Failure to Warn
- ☒ Count V: Negligent Failure to Warn
- ☒ Count VI: Negligent Misrepresentation
- ☒ Count VII: Breach of Implied Warranty of Merchantability
- ☒ Count VIII: Breach of Express Warranty
- ☒ Count IX: Strict Liability Design Defect
- ☒ Count X: Negligent Design
- ☐ Count XI: Survivorship and Wrongful Death
- ☐ Count XII: Loss of Consortium
- ☒ Count XIII: Punitive Damages
- ☒ Other Claims and factual basis therefore:

Unjust Enrichment (in the alternative)

Cal. Bus. & Prof. Code §§ 17200, et. seq.

OTHER DEFENDANTS

12. Plaintiff(s) further bring claims against the following Defendants not named in the *Master Complaint*:

a. Additional Defendant(s)

Additional Defendant 1: _____

Additional Defendant 2: _____

Additional Defendant 3: _____

Additional Defendant 4: _____

b. Address(es) of Additional Defendant(s):

Address of Defendant 1: _____

Address of Defendant 2: _____

Address of Defendant 3: _____

Address of Defendant 4: _____

c. Short and Plain Statement of Factual Allegations against Additional Defendants:

d. Claims asserted against Additional Defendants:

WHEREFORE, Plaintiff(s) pray(s) for relief and demand(s) a trial by jury as set forth in the Plaintiffs' Master Personal Injury Long Form Complaint in MDL 2921 in the United States District Court for the District of New Jersey.

Date: December 23, 2024

/s/ Alexandra W. Robertson

ASK LLP

Alexandra W. Robertson
Tessa G. Cuneo
David H. Stern
2600 Eagan Woods Drive,
Suite 400
St. Paul, Minnesota 55121
Tel: 651-406-9665
Fax: 651-406-9676
arobertson@askllp.com
tcuneo@askllp.com
dstern@askllp.com

Attorneys for Plaintiff